Applicants hereby elect to prosecute the claims of group I, claims 1-24. This election is made without traverse with respect to groups II-IV and with traverse with respect to group V. Reconsideration is requested.

The Examiner is correct that the inventions of group I and group V have different functions at one level. Group I is directed to a method of enhancing bone formation or growth whereas group V is directed to a method to screen for a compound which will be successful in enhancing bone formation or growth or stimulating hair growth. However, it should be clear that the same search is involved in both cases. The method of enhancing bone formation or growth is based on use of compounds which inhibit the activity or production of NF-κB or that inhibit the activity or production of proteasomes. Claims 44-45, the claims in group V, are directed to an assay method for finding compounds which have the required inhibiting effect. *The invention in group V lies not in the nature of the assays, but in the application of these assays to identify bone growth enhancer or hair growth stimulators.* Thus, the same patentability considerations are relevant with respect to both groups. In view of this, applicants request that their election of group I be extended to group V as well.

Preliminary Amendment

Preliminary to the examination of the above-captioned application, please amend the application as follows.

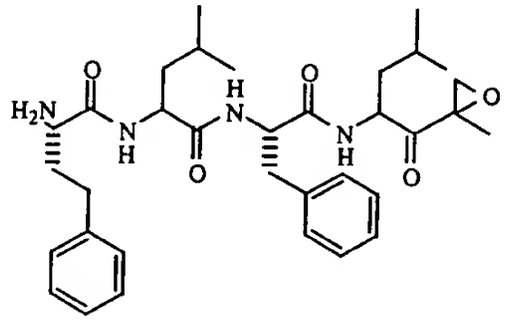
IN THE CLAIMS:

Please cancel claims 2-3, 17 and 21 without any prejudice and disclaimer.

Please replace claims 1, 4, 7 and 18 with the following clean set of amended claims 1, 4, 7 and 18. A mark-up version of the amended claims 1, 4, 7 and 18 is attached hereto as Exhibit A.

1. (Amended) A method to enhance bone formation or to treat pathological dental conditions or to treat degenerative joint conditions in a vertebrate animal, which method comprises administering to a vertebrate animal in need of such treatment an effective amount of a compound that inhibits proteasomal activity and said compound being selected from the group consisting of:

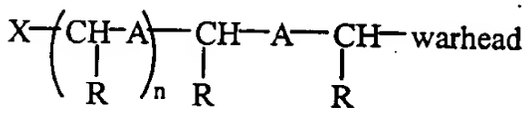
a) a peptide having at least 3 amino acids and a c-terminal functional group that reacts with the threonine residue of the chymotrypsin-like catalytic site of the proteasome,

b)  ,

c) PS-341,

d) NLVS, and

e) a compound having the following formula:



,

wherein the warhead reacts irreversibly with the catalytic chymotrypsin site of the proteasome;

A is independently CO-NH or isostereomer thereof;

R is independently a hydrocarbyl;

X is a polar group; and

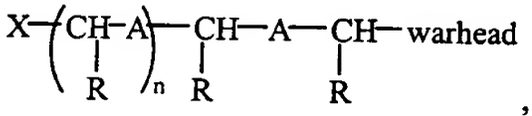
n = 0-2,

whereby bone formation is enhanced or said pathological dental conditions or degenerative joint conditions is treated in said vertebrate animal.

4. (Amended) The method of claim 1, wherein the compound is a peptide having at least 3 amino acids and a c-terminal functional group that reacts with the threonine residue of the chymotrypsin-like catalytic site of the proteasome.

7. (Amended) The method of claim 1, wherein the peptide is a peptide α', β'-epoxyketone.

18. (Amended) The method of claim 1, wherein the compound has the following formula:



,

wherein the warhead reacts irreversibly with the catalytic chymotrypsin site of the proteasome;

A is independently CO-NH or isostereomer thereof;

R is independently a hydrocarbyl;

X is a polar group; and

n = 0-2.

Please add new claims 46-47 as follows:

46. (New) The method of claim 1, wherein the vertebrate animal is a human.

47. (New) The method of claim 1, wherein the vertebrate animal is a non-human mammal.

Upon entry of the present Preliminary Amendment, claims 1, 4-16, 18-24 and 46-47 will be pending. Claim 1 is amended to incorporate the elements of claims 4 and 17-18. Support for new claims 46-47 can be found throughout the application and, *inter alia*, at page 9, line 26 through page 10, line 2 of the present specification. Therefore, the above-described amendments do not introduce any new matter into the present application.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 432722002622. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 19, 2001

Respectfully submitted,

By: _____

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